

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RAMON GREEN,

Plaintiff,

v.

WEST COUNTY PATHOLOGY, et al.,

Defendants,

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No. 4:15CV687 JCH

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be granted. Under 28 U.S.C. § 1915(e)(2)(B), the Court is required to review the complaint and dismiss any part of it that is frivolous, malicious, or fails to state a claim upon which relief can be granted. Upon review of the complaint, the Court will dismiss plaintiff's claims against defendants Trish DeNatale and Rob Lyttle.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964. Named as defendants are West County Pathology; Trish DeNatale, plaintiff's former supervisor; and Rob Lyttle, the CEO. Plaintiff alleges that Trish DeNatale treated him differently than white employees and terminated him because of his race.

Title VII provides a remedy only against an "employer." The Eighth Circuit Court of Appeals has squarely held that "supervisors may not be held individually liable under Title VII." Bonomolo-Hagen v. Clay Central-Everly Community School District, 121 F.3d 446, 447 (8th Cir. 1997) (citing Spencer v. Ripley County State Bank, 123 F.3d 690, 691-92 (8th Cir. 1997) (per curiam)); see Bales v. Wal-Mart Stores Inc., 143 F.3d 1103, 1111 (8th Cir. 1998). As a

result, plaintiff's claims against Trish DeNatale and Rob Lyttle fail to state a claim upon which relief can be granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that defendants Trish DeNatale and Rob Lyttle are **DISMISSED** from this action.

IT IS FURTHER ORDERED that the Clerk shall issue process on defendant West County Pathology.

Dated this 29th day of April, 2015.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE